

19.6

OYAKAWA, YOSHIHARU

1949-1953

78/177

c

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

October 13, 1949

The Board of Immigration Appeals
Department of Justice
Washington 25, D. C.

Gentlemen:

In re: Mr. Yoshiharu Oyakawa
and Family - Los Angeles

Enclosed find appearance forms and applications to reopen the causes for the purpose of enabling the hereinafter named Peruvian-Japanese who are in Los Angeles, California, to apply for a suspension of deportation, together with accompanying affidavits of merits, to-wit: Yoshiharu Oyakawa and Oto Oyakawa, alien parents of a U. S. born child, together with the like applications of their alien born children, Kenichi, Keiji and Mitsuko Oyakawa.

Very truly yours,

Copy to:
USI&NS, L.A., Calif.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File A6 153 199

(Los Angeles 1600-44260) (No Appeal)

In re: KENICHI AURESTO OYAKAWA

IN DEPORTATION PROCEEDINGS

CROSS REFERENCE: (These related cases should be considered when
making final decision in the instant case:

Father, Yoshiharu Oyakawa, A5 977 611, Los Angeles		
		1600-44260
Mother, Oto Oyakawa, A6 153 199,	"	"
Brother, Keiji Louis Oyakawa "	"	"
Sister, Mitsuko Yolanda Oyakawa "	"	"

IN BEHALF OF RESPONDENT:

- (1) Wayne H. Collins, Attorney at Law,
1701 Mills Tower,
San Francisco, Calif.
- (2) T. R. Hirschka, Associate Attorney at Law,
1435 Fresno St.,
Fresno, California.

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1917 & 1918 - No passport or other document
showing origin and identity

Lodged: None

APPLICATION: Suspension of Deportation - 7 year's residence

DETENTION STATUS: Released into custody of parents.

DISCUSSION AS TO DEPORTATION: This record relates to a 14 year old male, native and citizen of Peru, who last entered the United States March 21, 1944 together with his mother, brother and sister, voluntarily to join his father who at that time was interned in the Crystal City, Texas Internment Camp, having been brought into this country involuntarily by the United States Army from Peru for internment purposes for the duration of the war. Respondent has heretofore been ordered deported on the basis of charges hereinabove stated. For that reason, and for the further reason that respondent's parents stated that the respondent had not been out of the United States after the entry date of March 21, 1944, discussion relative to the question of deportability is not discussed further.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION:

As indicated by the Cross Reference contained at the beginning of this memorandum, the respondent's parents and other close relatives are under contemporary proceedings. Naturally, no claim can be made to detrimental effect upon such persons. For that reason, the respondent was given a regular hearing on February 2, 1951, notes relating to which are attached hereto and made part of the record. On March 21, 1951, the very date upon which the alien acquired a seven year residence in this country the notes were completely transcribed and submitted; thus, the reason for summarizing the record in the form of a Memorandum, instead of submitting a formal Opinion.

Respondent is a 14 year old boy. The sworn statement of his parents will show that he is attending grammar school. He is unemployed. He is supported by his parents hereinabove referred to. He is not married. He has no separate property or income. This statement may be verified by reference to pages 6 and 9 or parent's sworn statement of February 2, 1951 made part of this record.

Both of respondent's parents, according to evidence adduced in their file, are gainfully employed in a legal manner:

Respondent's father: Nursery janitor, salary \$90 weekly
Property: \$600 savings; \$500 household furnishings; \$300 personal effects.

Respondent's mother: Poultry market chicken dresser,
\$43 weekly.
Property: None personal. Joint tenancy property,
same as that of the father's shown supra.

This boy only recently acquired his 14th birthday. The testimony of his alleged blood parents, under oath, plus the evidence presented in connection with their government forms, and the content of Immigration and Naturalization files, is relied upon as proof of the respondent's entry into and continuous residence in this country for over 7 years. Parents' transcript of testimony has been made part of this record. They have testified that this child has not absented himself from the United States since his entry of March 21, 1944.

The record shows that respondent's parents testified that the respondent has conducted himself as a person of good character at all times; further, that the respondent has never been made the ward of a court. Identification of the respondent has been made by the parents.

Any economic detriment to a close relative currently does not directly relate.

Assuming that Peru would accept a 14 year old child of Japanese race, of Peruvian birth, there would seem otherwise to be no patent reason why he could not return to the country of his nativity. The status of his parents, whose cases have been cross-referred to herein, obviously reflect the respondent's inability to return to Peru without assuming unsubstantiated presumptions, however.

Because of the immature age of this respondent, no check has been made of the local or federal agency records.

The Selective Training and Service Act does not apply to this child.

Nothing developed during the hearings heretofore referred to that indicated disqualification of the respondent because of his falling under the category of person described in Section 19 (d) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - FINDINGS OF FACT

Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is of the Japanese race;
- (2) That the respondent is a person of good character, and has conducted himself as such for the last past five or more years continuously;
- (3) That the respondent has resided in the United States for 7 or more years continuously ;
- (4) That the respondent was residing in the United States on July 1, 1948;
- (5) That no evidence was developed which indicated that the respondent was subject to deportation on any of the grounds specified in Section 19 (d) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under section 19 (c) (2) (b) of the Immigration Act of 1917, as amended, the respondent is eligible for suspension of deportation.

ORDER: It is ordered that the deportation of the alien be suspended under the provisions of Section 19 (c) (2) (b) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that if Congress approves the suspension of the alien's deportation, the proceedings be canceled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as approved by law.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A5 977 511

(Los Angeles 1600/44260)

(No Appeal)

In re: KELJI LOUIS OYAKAWA

IN DEPORTATION PROCEEDINGS

CROSS REFERENCE: (These related cases should be considered when making final decision in the instant case:

Father, Yoshiharu Oyakawa, A5 977 611,	Los Angeles File 1600-44260
Mother, Oto Oyakawa, A6 153 199,	Los Angeles File 1600-44260
Brother, Kenichi Augusto Oyakawa	" "
Sister, Mitsuko Yolanda Oyakawa	" "

IN BEHALF OF RESPONDENT:

- (1) Wayne M. Collins, Attorney at Law,
1701 Mills Tower,
San Francisco, California
- (2) T. R. Hiraoka, Associate Atty at Law,
1435 Fresno Street,
Fresno, California.

CHARGES:

Warrant: Act of 1924 - No immigration visa.

Act of 1917 & 1918 - No passport or other document showing origin and identity.

Lodged: None.

APPLICATION: Suspension of deportation - 7 year's residence.

DETENTION STATUS: Paroled to the custody of parents.

DISCUSSION AS TO DEPORTATION: This record relates to an 11 year old native and citizen of Peru, who last entered the United States March 21, 1944 together with his mother, brother and sister, voluntarily to join his father, who at that time was interned in the Crystal City, Texas, Internment Camp, having been brought into this country involuntarily by the United States Army from Peru for internment purposes for the duration of the war. Respondent has heretofore been ordered deported on the basis of the charges stated above. For that reason, and for the further reason

that respondent's parents stated under oath that he had not been out of the United States after the entry date of March 21, 1944, discussion relative to the question of deportability is not discussed further.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION:

As indicated by the Cross Reference contained at the beginning of this memorandum, the respondent's parents and other close relatives are also under proceedings. Thus, relief under Public Law 869 cannot properly be claimed on the basis of any claimed economic detriment to the parents. A regular hearing was given the respondent on February 2, 1951, notes relating thereto being made part of this record. Subsequently the respondent acquired a 7 year residence in this country. Therefore the matter is being submitted in the form of this Memorandum, rather than an Opinion.

Both of respondent's parents, according to evidence in the file, are employed in a legal manner:

Respondent's father: Nursery janitor, salary \$50 weekly
Property: \$600 savings; \$500 household furnishings;
\$300 personal effects.

Respondent's mother: Poultry market chicken dresser, \$43 weekly.

Property: None personal. Joint tenancy property, same as that of the father shown above.

This boy is only 11 years of age. The testimony of his alleged blood parents, under oath, plus evidence presented in connection with their government forms, and the content of the U.S. Immigration and Naturalization files, is relied upon as proof of the respondent's entry into and continuous residence in this country for over 7 years. Transcript of their testimony has been made part of the record.

The parents testified that the respondent had conducted himself as a person of good character at all times; further, that he has never been the ward of a court. Respondent's identification by his parents has been made.

Since the basis of this application for suspension is the respondent's 7 year residence, the matter of economic detriment to a close relative currently does not directly relate.

Assuming that Peru would accept an 11 year old native of that country, of Japanese parents, there seems to be no reason otherwise why he could not return to Peru. The status of his parents, whose cases have been crossed referred to herein, would obviously reflect factors which the Peruvian government would need for consideration, however.

Because of the immature age of this respondent, no check has been made of the local or federal agency records.

The Selective Training and Service Act does not apply to the respondent. He is attending grammar school.

No evidence was developed which indicated that respondent was subject to deportation on any on the grounds specified in Section 19 (d) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - FINDINGS OF FACT

Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is of the Japanese race;
- (2) That the respondent had conducted himself as a person of good moral character for the last past five or more years continuously;
- (3) That the respondent was residing in the United States on July 1, 1948;
- (4) That the respondent has resided in the United States for seven or more years continuously;
- (5) That the respondent is not of a class of persons described in Section 19 (d) of the Immigration Act of 1917, as amended;

SUSPENSION OF DEPORTATION - CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under Section 19 (c) (2) (B) of the Immigration Act of 1917, as amended, the respondent is eligible for suspension of deportation.

ORDER: It is ordered that the deportation of the alien be suspended under the provisions of Section 19 (c) (2) (b) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that if Congress approves the suspension of the aliens deportation, the proceedings be canceled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as approved by law.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File : A6 153 159 (1600-44250)

In re: HIENKO YOLANDA OYAKAWA

IN DEPORTATION PROCEEDINGS

Cross Reference: These related cases should be considered when making decision in the instant case:

Father, Yoshiharu Oyakawa, A5 977 611 (1600-44250)
Mother, Oto Oyakawa, A6 153 199
Brother, Kenichi Augusto Oyakawa, A6 153 159 (1600-44250)
Brother, Keiji Louis Oyakawa A6 153 199

IN BEHALF OF RESPONDENT: (1) Wayne M. Collins, Attorney at Law
1701 Mills Tower, San Francisco, California
(2) T. H. Hiraka, Associate Attorney at Law
1435 Fresno Street, Fresno, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1917 and 1918 - No passport or other document showing
origin and identity
Lodged: None

APPLICATION: Suspension of Deportation - 7 years residence

REHEARAL STATUS: Paroled to the custody of parents

DISCUSSION AS TO DEPORTATION: This record relates to a 9 year old native and citizen of Peru, who last entered the United States on March 21, 1944 together with her mother and brothers voluntarily to join her father who, at that time, was interned in the Crystal City, Texas Internment Camp, having been brought into this country involuntarily by the United States Army from Peru for internment purposes for the duration of the war. Respondent has heretofore been ordered deported on the basis of the charges stated above. For that reason, and for the further reason that respondent's parents stated under oath that she had not been out of the United States after the entry date of March 21, 1944, discussion relative to the question of deportability is not discussed further.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: As indicated by the cross reference contained at the beginning of this memorandum, the respondent's parents and other close relatives are also under proceedings. Thus relief under Public Law 569 cannot properly be claimed on the basis of any claimed economic detriment to the parents. A regular hearing was given the respondent on February 2, 1951, notes relating thereto being made a part of this record. Subsequently the respondent acquired a 7 year residence in this country. Therefore the matter is being submitted in the form of this Memorandum, rather than an Opinion.

A6 153 199 (1600-44260)

Both of respondent's parents, according to evidence in the file, are employed in a lawful capacity. Respondent's father, a nursery janitor, has salary of \$50 weekly. He has property as follows: \$600 savings, \$500 household furnishings, \$300 personal effects.

Respondent's mother is a poultry market chicken dresser, receiving \$43 weekly. She has property only as indicated by the father shown above.

The subject is only 9 years old. The testimony of her parents, under oath, plus evidence presented in connection with their suspension application forms, and the content of the U. S. Immigration and Naturalization files is relied upon as proof of the respondent's entry into and continuous residence in this country for over seven years. Transcript of their testimony has been made part of the record. They testified that the respondent had conducted herself as a person of good character at all times. Further, that she has never been a ward of a court. Respondent's identification by her parents has been established.

Since the basis of this application for suspension is the respondent's seven year residence, the matter of economic detriment to close relatives currently does not directly relate.

Assuming that Peru would accept a nine year old native of that country, of Japanese parents, there seems to be no reason otherwise why she could not return to Peru. The status of her parents, whose cases have been cross-referred to herein, would obviously reflect factors which the Peruvian government would need for consideration, however.

Because of the immature age of this respondent, no check has been made of the local or federal agency records. The Selective Service and Training Act does not apply to the respondent. She is attending grammar school.

The record developed no evidence that the respondent was subject to deportation on any of the grounds specified in Section 19 (d) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - FINDINGS OF FACT

Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is of the Japanese race;
- (2) That the respondent has conducted herself as a person of good moral character during the past five years;

(continued)

- (3) That the respondent was residing in the United States on July 1, 1948;
- (4) That the respondent has resided in the United States for seven or more years continuously;
- (5) That the record developed no evidence that the respondent was deportable on any of the grounds specified in Section 19 (a) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under Section 19 (c) (2) (b) of the Immigration Act of 1917, as amended, the respondent is eligible for suspension of deportation.

ORDER: It is ordered that the deportation of the alien be suspended under the provisions of Section 19 (c)(2) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that if the Congress approves the suspension of the alien's deportation, the proceedings be canceled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as approved by law.

PH

Assistant Commissioner
Adjudications Division

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

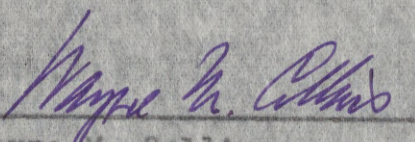
YOSHIHARU OYAKAWA

No. _____

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

YOSHIHARU OYAKAWA hereby requests that the deportation proceeding heretofore instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), effective as at July 1, 1948, (Public Law No. 863), on the ground that he is and has been, for a period of time in excess of five years, a person of good moral character and is the father of Tami Oyakawa who is his dependent minor daughter and a native born United States citizen, and that his deportation would result in serious economic detriment to his said dependent minor daughter.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of his eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.


Wayne M. Collins
1701 Mills Tower
San Francisco, Calif.

Attorney for Applicant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) ss.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for YOSHIHARU OYAKAWA, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and is the parent of Tami Oyakawa, a minor who is dependent upon him and who is a native born United States citizen; that the deportation of applicant would result in serious economic detriment to said minor child; that applicant desires to have his deportation proceeding reopened to enable him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating his said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me
this 14th day of October, 1949.

James P. Dean
Notary Public in and for the City and
County of San Francisco, State of California.

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,

CITY AND COUNTY OF SAN FRANCISCO.

ss.

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for YOSHIHARU OYAKAWA, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and is the parent of Tami Oyakawa, a minor who is dependent upon him and who is a native born United States citizen; that the deportation of applicant would result in serious economic detriment to said minor child; that applicant desires to have his deportation proceeding reopened to enable him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating his said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me

this 14th day of October, 1949.

James D. Deary
Notary Public in and for the City and
County of San Francisco, State of California.

BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of
OTO OYAKAWA

No. _____

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

OTO OYAKAWA hereby requests that the deportation proceeding heretofore instituted against her be reopened for the purpose of enabling her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), effective as at July 1, 1948, (Public Law No. 863), on the ground that she is and has been, for a period of time in excess of five years, a person of good moral character and is the mother of Tami Oyakawa who is her dependent minor daughter and a native born United States citizen, and that her deportation would result in serious economic detriment to her said dependent minor daughter.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of her eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.

Wayne M. Collins

Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,
CITY AND COUNTY OF SAN FRANCISCO. } ss.
----- }

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for OTO OYAKAWA, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and is the parent of Tami Oyakawa, a minor who is dependent upon her and who is a native born United States citizen; that the deportation of applicant would result in serious economic detriment to said minor child; that applicant desires to have her deportation proceeding reopened to enable her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating her said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins.
Wayne M. Collins

Subscribed and sworn to before me
this 14th day of October, 1949.

Ernest Reed
Notary Public in and for the City and
County of San Francisco, State of California.

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,

CITY AND COUNTY OF SAN FRANCISCO.

SS.

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for OTO OYAKAWA, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and is the parent of Tami Oyakawa, a minor who is dependent upon her and who is a native born United States citizen; that the deportation of applicant would result in serious economic detriment to said minor child; that applicant desires to have her deportation proceeding reopened to enable her to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating her said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me

this ¹⁹⁴⁹ day of October, 1949.

James H. Deery
Notary Public in and for the City and
County of San Francisco, State of California.

BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

KENICHI OYAKAWA

No. _____

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

KENICHI OYAKAWA

_____, an alien minor, hereby requests that the deportation proceeding instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c) on the grounds that he is and has been, for the required period of time, a person of good moral character and is the minor child of YOSHIHARU OYAKAWA AND OTO OYAKAWA, alien parents of a resident United States born citizen minor child, one or both of whom, upon a grant of a similar applied for suspension of deportation, will become legally resident aliens and that the deportation of applicant would result in serious economic detriment to one or both of said parents and to applicant.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of his eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.

Wayne M. Collins
Wayne M. Collins
1701 Mills Tower
San Francisco, Calif.
Attorney for Applicant.

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,)
)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____

KENICHI OYAKAWA,

the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of _____

YOSHIHARU OYAKAWA AND OTO OYAKAWA

alien parents, each of whom is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and is a parent of a dependent native born United States citizen minor child: that applicant is and ever has been a person of good moral character; that if one or both of applicant's said parents be granted such suspension of deportation applicant thereupon becomes eligible to apply for and receive a like suspension of deportation under the provisions of said statute and regulations promulgated in furtherance of its objectives on the grounds applicant is and ever has been a person of good moral character and that the deportation of applicant would result in serious economic detriment to one or both of applicant's parents who then would be legally resident aliens: that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me

this 14th day of October, 1949, .

James J. Deery
Notary Public in and for the City and
County of San Francisco, State of California

BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

KEIJI OYAKAWA

No. _____

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

KEIJI OYAKAWA, an alien minor, hereby requests that the deportation proceeding instituted against him be reopened for the purpose of enabling him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c) on the grounds that he is and has been, for the required period of time, a person of good moral character and is the minor child of YOSHIMARU OYAKAWA AND OTO OYAKAWA, alien parents of a resident United States born citizen minor child, one or both of whom, upon a grant of a similar applied for suspension of deportation, will become legally resident aliens and that the deportation of applicant would result in serious economic detriment to one or both of said parents and to applicant.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of his eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.

Wayne M. Collins
Wayne M. Collins
1701 Mills Tower
San Francisco, Calif.
Attorney for Applicant.

duly sworn, deposes and says: that he is the attorney for _____

KEIJI OYAKAWA

that the applicant is an alien dependent minor child of _____

YOSHIMASU OYAKAWA AND OTTO OYAKAWA

Subscribed and sworn to before me

this day of Aug 12, 1949,

Notary Public in and for the City and
County of San Francisco, State of California

BEFORE THE BOARD OF IMMIGRATION APPEALS

BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

No. _____

MITSUKO OYAKAWA

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

MITSUKO OYAKAWA, an alien minor, hereby requests that the deportation proceeding instituted against ~~her~~ be reopened for the purpose of enabling ~~her~~ to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c) on the grounds that ~~she~~ is and has been, for the required period of time, a person of good moral character and is the minor child of YOSHIMARU OYAKAWA AND OTO OYAKAWA, alien parents of a resident United States born citizen minor child, one or both of whom, upon a grant of a similar applied for suspension of deportation, will become legally resident aliens and that the deportation of applicant would result in serious economic detriment to one or both of said parents and to applicant.

WHEREFORE, applicant requests that said cause be reopened for the aforesaid purposes to enable applicant to introduce oral and documentary evidence of ~~her~~ eligibility to apply for and to receive the benefits afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regulations thereunder and for the grant of said application for suspension of deportation.

Wayne M. Collins
Wayne M. Collins
1701 Mills Tower
San Francisco, Calif.
Attorney for Applicant.

AFFIDAVIT OF MERITS

STATE OF CALIFORNIA,)
)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____

NITSUKO OYAKAWA,

the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of _____

YOSHIHARU OYAKAWA AND OTO OYAKAWA

alien parents, each of whom is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and is a parent of a dependent native born United States citizen minor child: that applicant is and ever has been a person of good moral character; that if one or both of applicant's said parents be granted such suspension of deportation applicant thereupon becomes eligible to apply for and receive a like suspension of deportation under the provisions of said statute and regulations promulgated in furtherance of its objectives on the grounds applicant is and ever has been a person of good moral character and that the deportation of applicant would result in serious economic detriment to one or both of applicant's parents who then would be legally resident aliens: that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted such suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me

this 14th day of October, 1949, .

James A. Deary
Notary Public in and for the City and
County of San Francisco, State of California

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

October 26, 1949.

YOSHIHARU, OTO OYAKAWA, KENICHI, MITSUKO and
In re: KEIJI OYAKAWA
File No. 5977611, 6153199, 6153196, 6153198, 6153197
ALM:rmc

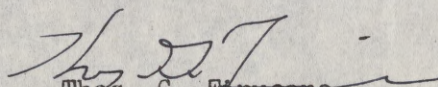
Wayne M. Collins, Esquire
1701 Mills Tower,
San Francisco, California.

My dear Mr. Collins:

This will acknowledge receipt of your communication dated October 13, 1949, with reference to the above case.

You will be informed of further action which may be taken by the Board. However, the filing of a motion with the Board does not operate to stay the outstanding order in the case. Until such time as a new decision is entered by the Board, the outstanding order remains in full force and effect.

Sincerely yours,


Thos. G. Finucane
Chairman

16-405
5-21-51

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date May 25, 1951

REGISTERED MAIL

File No. A6 153 199 (1600-44261)

RETURN RECEIPT REQUESTED

Y. R. Hiroaka, Attorney at Law
1435 Fresno Street
Fresno, California

Dear Sir:

Reference is made to the hearing on February 2, 1951 in
the deportation proceedings against Oto Oyakawa, and three minor children,
Kenichi Augusta, Keiji Louis, and Mitsuko Yolanda Oyakawa.

Transmitted herewith is a copy of the Hearing Officer's Recommended Decision in the case, furnished in accordance with 8 C.F.R. 151.5(b). This is only the recommendation of the Hearing Officer and will not become the order in the case until it is approved and signed by the Assistant Commissioner, Adjudications Division.

You are granted five business days from the receipt of this letter in which to submit exceptions to the Hearing Officer's Recommended Decision, which may be accompanied by supporting argument or brief. Your exceptions and argument or brief should be submitted to this office in duplicate. Exceptions submitted within the time allowed will be forwarded to the Commissioner, Washington, D. C., with the hearing record and the Hearing Officer's Recommended Decision for consideration.

You should notify this office promptly of any change of address.

Yours very truly,

H. R. LANDON
District Director

By:

George W. Scallorn

George W. Scallorn
Acting Chief, Hearing Section.

Encl,

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A6 153 199 (Los Angeles 1600-44261) (No Appeal)

In Re: OTO OYAKAWA

IN DEPORTATION PROCEEDINGS

CROSS REFERENCE: (These related cases should be considered when
making final decision in the instant case:

Husband, Yoshiharu Oyakawa, A5 977 611 Los Angeles
1600/44260

Son, Kenichi Augusta Oyakawa " "

Son, Keiji Louis Oyakawa " "

Daughter, Mitsuko Yolanda Oyakawa ")

IN BEHALF OF RESPONDENT:

- (1) Wayne M. Collins, Atty at Law,
1701 Mills Tower,
San Francisco, California
- (2) T. B. Hirakawa, Associate Atty at Law,
1435 Fresno Street,
Fresno, California.

CHARGES:

Warrant: Act of 1924- No immigration visa

Act of 1917 & 1918 - No passport or other document
showing origin and identity.

Lodged: None.

APPLICATION: Suspension of deportation - Economic detriment.

DEFERRED STATUS: Paroled under provisions of Section 150.6(c), 8 CFR,
on Sept. 22, 1947 - to report in person twice a year.

DISCUSSION AS TO DEPORTATION: This record relates to a 37 year old
married female, native and citizen of Japan, who entered the United States
voluntarily from Peru on March 21, 1944 together with her children, to
join her husband named above. The male spouse was at that time interned in
the Crystal City, Texas Internment Camp, having been brought into this
Country involuntarily by the United States Army from Peru for internment
purposes for the duration of the war.

Inasmuch as at least one order has been made directing the respondent's deportation on the same set of facts as those upon which this examination is based, further discussion as to her deportability will not be entered into herein, except to say that she claims no departures from the United States subsequent to March 21, 1944.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION:

Respondent's husband, Yoshiharu Oyakawa, is under contemporary proceedings. As indicated hereinabove, he was involuntarily brought to the United States from Peru together with a number of other Japanese for the duration of the war. The respondent then followed later with four of her children who had been born in Peru, and who were thereby citizens of that country. One of the children was drowned in the Internment Camp at Crystal City, Texas. The respondent gave birth to a child in Crystal City, Texas on January 5, 1945. It is upon the basis of a detriment which she claims might inure to such United States citizen child, that respondent is claiming eligibility for suspension of deportation.

Subsequent to hearing on the application of the three Peruvian born minor children for suspension, they acquired a seven year residence in this country. By testimony taken from their parents at their hearing it seems that they are now eligible for suspension of deportation. The children's father, respondent's husband, is basing his application for relief on the seven years residence angle, also.

Respondent, herself, is employed as a chicken dresser in a poultry market and earns approximately \$43.00 per week. She personally has no other income. The husband, however, who is a janitor in a nursery, earns \$50.00 a week. He has no other income. The family property consists of a \$600.00 savings account, \$500.00 worth of furniture, and about \$600.00 in personal effects of the husband and wife.

The children are all in grammar school; they have no separate income or separate property. There seems to be no question as to whether the respondent's deportation would result in an economic detriment to the United States born citizen child, whose birth certificate evincing relationship to the respondent, has been submitted. The daughter's standard of living would necessarily be considerably lower in Japan, and she would thus be adversely affected economically.

On the occasion of this examination, the respondent's attorney had not made any research with respect to whether the respondent might effect entry into a country other than Japan; therefore, a determination as to her eligibility for voluntary departure cannot be made. Respondent claims that she has no relatives in Peru or Japan who would be able to support her in the event of her deportation or removal from the United States. Of course she would be mandatorily excludable if applying for admission to the United States, being racially ineligible for admission.

A check of the rather voluminous file of the respondent fails to indicate that she was involved in any difficulty with the authorities during the lengthy period of her confinement at the internment camp. The local authorities have given her a clearance. This report included one from the Federal Bureau of Investigation.

Respondent claimed that she had never been a member of, or associated in any way, with any subversive organization in this country or in any other country. Inquiry has disclosed that the respondent has no connection with any subversive groups. The local report of investigation was all favorable to the respondent. Two witnesses attested by affidavit as to the good character of the respondent. They covered the period from 1944 to date. The alien's employer has furnished a letter speaking highly of her. The subject alleged that aside from the pending immigration matter she had never been arrested or charged with the violation of any law or ordinance.

Nothing developed during the course of the hearing which indicated that the respondent was of a class of persons described in Section 19 (d) of the Immigration Act of 1917, as amended. Thus, it appears that the respondent has satisfactorily established on the record, good character for the statutory period and that she is eligible for the relief sought.

SUSPENSION OF DEPORTATION - FINDINGS OF FACT

Upon the basis of the foregoing evidence presented, it is found:

- (1) That the respondent is of the Japanese race;
- (2) That the respondent has conducted herself as a person of good moral character during all of the last past five or more years continuously;
- (3) That deportation of the respondent would cause a serious economic detriment upon her United States native born minor citizen child;
- (4) That after full inquiry no facts have been developed which established that respondent was deportable on any of the grounds specified in Section 19 (d) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

(continued)

(continued from page 3)

SUSPENSION OF DEPORTATION - CONCLUSION OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under Section 19 (c) (2) of the Immigration Act of 1917, as amended, the respondent is eligible for suspension of deportation.

ORDER:

It is ordered that the deportation of the alien be suspended under the provisions of Section 19 (c) (2) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that if Congress approves the suspension of the alien's deportation, the proceedings be canceled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as approved by law.

PH

Assistant Commissioner
Adjudications Division

16-405
5-21-51

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date May 25, 1951

REGISTERED MAIL

File No. A5 977 611 (1600-44260)

RETURN RECEIPT REQUESTED

Y. R. Hiroaka, Attorney at Law
1435 Fresno Street
Fresno, California

Dear Sir:

Reference is made to the hearing on Feb. 2, 1951 in
the deportation proceedings against Yoshiharu Oyakawa.

Transmitted herewith is a copy of the Hearing Officer's Recommended Decision in the case, furnished in accordance with 8 C.F.R. 151.5(b). This is only the recommendation of the Hearing Officer and will not become the order in the case until it is approved and signed by the Assistant Commissioner, Adjudications Division.

You are granted five business days from the receipt of this letter in which to submit exceptions to the Hearing Officer's Recommended Decision, which may be accompanied by supporting argument or brief. Your exceptions and argument or brief should be submitted to this office in duplicate. Exceptions submitted within the time allowed will be forwarded to the Commissioner, Washington, D. C., with the hearing record and the Hearing Officer's Recommended Decision for consideration.

You should notify this office promptly of any change of address.

Yours very truly,

H. R. LANDON
District Director

By:

George W. Scallorn

George W. Scallorn
Acting Chief, Hearing Section

Encl.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File A5 977 611 (1600-44260)

(No Appeal)

In re: YOSHIHARU OYAKAWA

IN DEPORTATION PROCEEDINGS

CROSS REFERENCE: (These related cases should be considered when making
final decision in the instant case)

Wife, Oto Oyakawa, File A6 153 199 (1600-44261)
Son, Kanichi Augusto Oyakawa, File A6 153 199 (1600-44261)
Son, Keiji Louis Oyakawa, " "
Daughter, Mitsiko Yolanda Oyakawa " "

IN BEHALF OF RESPONDENT:

- (1) Wayne M. Collins, Attorney at Law,
1701 Mills Tower,
San Francisco, California
- (2) Y. R. Hirooka, Associate Attorney at Law
1435 Fresno Street,
Fresno, California

CHARGES:

Warrant - Act of 1924 - No valid immigration visa

Acts of 1917 and 1918 - No passport or other document
showing origin and identity.

Lodged: None.

APPLICATION: Suspension of deportation - 7 years residence

DETENTION STATUS: Paroled under provisions of Section 150.6(a) 8 C.F.R.

DISCUSSION AS TO DEPORTATION: This record relates to a 43 year old married male, a native and citizen of Japan, who last entered the United States June 15, 1943 at San Francisco, California, on a United States Army Transport from Lima, Peru, involuntarily, for internment purposes. He had no immigration visa, or document showing his origin or identity. Inasmuch as his entry was one of compulsion, it is presumed to be considered a lawful one.

The deportability of respondent has been previously determined by the Board of Immigration Appeals; therefore, further argument would seem to be unnecessary regarding the status of respondent's entry.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION:

The respondent has in the United States the persons listed at the beginning of the memorandum, a wife, three children born in Peru, and also one American born minor child.

The applicant, himself, was brought involuntarily to the United States from Peru by the United States Army for internment purposes and immediately placed in camp at Crystal, Texas. Respondent's wife and four Peruvian born children followed the respondent to the United States voluntarily about nine months after the respondent's arrival. They were also interned. On August 15, 1944, one of the respondent's alien born children was drowned in the Government camp swimming pool. The other three alien children are seeking suspension of deportation, and were given hearings on that matter. At the time of the hearing they were ineligible for relief under Section 19(c) of the Immigration Act of 1917, as amended; however, they have subsequently acquired a 7 years residence in this country and are now apparently eligible for relief under Public Law 963. The respondent's wife also underwent an examination looking to suspension of deportation on the same day that the respondent was examined in connection with his case. She is basing her application as to a detriment which she claims would accrue to the United States native born minor daughter. Her application should be considered in connection with this case.

The respondent is employed as a janitor in a nursery earning \$50.00 a week. His assets consist of \$600.00 in a savings account, \$500.00 in furniture, \$300.00 in personal effects. His wife works in a poultry house cleaning chickens at a salary of about \$43.00 a week. She has no separate property except her personal effects which are also worth about \$300. The four children have no separate property or separate income. All of the children are attending school.

Although the respondent has predicated his application for suspension of deportation on Section 19(c)(2)(b), there is the additional equity of economic detriment which would accrue to his American born minor child in the event of respondent's deportation. Because of difficulty in obtaining best evidence of his marriage to the child's mother, respondent is not urging such eligibility as a basis for his application. Pyramided secondary evidence of marriage has been shown, however. Respondent's passport which he used when going to Peru from Japan mentions him as being married. The children's Peruvian birth certificates refer to their parents as being married. Ordinarily, the Japanese family history sheet would constitute evidence of the marriage under Japanese laws. It is claimed that such is not available. Inasmuch as the marriage took place in Okinawa, it is doubtful whether the family history record still exists.

Evidence of respondent's claimed seven years residence is as follows:

- (1) His own testimony to that effect;
- (2) The Government's voluminous file containing reports, letters, statements, forms, records, etc. from 1943 to date, with only short intervals of time not covered;
- (3) Three affidavits of character reference showing that they had seen the respondent frequently since 1944;
- (4) His wife's own testimony that they have resided in the United States continuously since she joined him at the internment camp.

Respondent's attorney admitted that he had not as yet made any inquiry as to whether the respondent could be admitted to any country other than Japan. It is obvious that he would not be eligible at the present time for an immigration visa, being racially excludable. There is no claim made by the respondent or his representative that the alien would not be permitted to return to Japan. The subject stated that he had not been involved in any political affairs, also that he knew of nothing which would cause him to be subject to persecution in Japan or Peru if he returned to one of such countries.

Respondent testified, that aside from the pending immigration matter, he had never been arrested or charged with the violation of any law or ordinance. The local law enforcing agencies were checked, the result was negative. The record research included the Federal Bureau of Investigation. No evidence has been established to indicate that the respondent is of a class of persons described in Section 19(d) of the Immigration Act of 1917, as amended.

It has been determined from the Selective Service that since the respondent was paroled from the Internment Camp after May 30, 1947, and since he is above the age limit required to register after September 1, 1948, he is exempted, and was exempted during the Second World War from registry for the draft.

Respondent denied any connection with any political organization either in this country or any other country. He exhibited his Alien Enemy Registration book and Alien Registration card. There is no information available after the usual investigation was conducted, indicating any participation in, or association with any subversive group or organization. The investigational report reflected nothing adverse to respondent's character. The internment reports contained in respondent's file reflect nothing of a derogatory nature. The affidavits heretofore mentioned also substantiate respondent's claim to having conducted himself as a person of good character during the past five or more years. The witnesses' affidavits were accepted in lieu of their personal appearance, because of their employment being jeopardized by absenteeism. It thus appears that the record contains necessary components to establish respondent's eligibility for suspension of deportation.

SUSPENSION OF DEPORTATION - FINDINGS OF FACT

Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is a person of the Japanese race;
- (2) That the respondent has been a person of good moral character during all of the past five or more years;
- (3) That the respondent was residing in the United States on July 1, 1948;
- (4) That the respondent has resided in the United States for seven or more years continuously;
- (5) That after full inquiry no facts have been developed which established that the respondent was deportable on any of the grounds specified in Section 19 (d) of the Immigration Act of 1917, as amended.

SUSPENSION OF DEPORTATION - CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under Section 19 (c) (2) (b) of the Immigration Act of 1917, the respondent is eligible for suspension of deportation

ORDER: It is ordered that the deportation of the alien be suspended under the provisions of Section 19 (c) (2) of the Immigration Act of 1917.

IT IS FURTHER ORDERED that if Congress approves the suspension of the alien's deportation, the proceedings be canceled and the alien, if a quota immigrant at the time of entry and not then charged to the appropriate quota, be so charged as approved by law.

PH

Assistant Commissioner
Adjudications Division

June 4, 1957.

Wayne:

Enclosed Suspension Order of

1. Isaku Ida.
2. Yoshikazu Oyabawa
3. Ots Oyabawa, etc.

Shim.

June 11, 1951

Mr. Yoshiharu Oyakawa
315 1/2 E. 7th St.
Los Angeles, Calif.

Dear Mr. Oyakawa:

I wish to inform you that on May 25, 1951, the Commissioner of Immigration approved your application for a suspension of deportation.

In consequence if Congress approves your suspension you will be permitted to remain in this country as an alien having permanent residence status..

Very truly yours,

RECEIVED
DEPT. OF JUSTICE
JUN 14 1951

June 11, 1951

Mrs. Oto Oyakawa
315 1/2 E. 7th St.
Los Angeles, Calif.

Dear Mrs. Oyakawa:

I wish to inform you that on May 25, 1951, the Commissioner of Immigration approved your application for a suspension of deportation, as well as the applications of your three minor children, Kenichi, Keiji and Mitsuko.

In consequence if Congress approves your suspension you will be permitted to remain in this country as an alien having permanent residence status.

Very truly yours,

file

Yoshiharu Oyakawa
Oto Oyakawa
632 Crocker Street
Los Angeles, California
July 20, 1951

Mr. Wayne M. Collins
Attorney at Law
Mills Tower
220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

Your letter of June 11, 1951, which was mailed to our former address - 315½ East 7th Street, Los Angeles - was forwarded to us sometime ago. We were very delighted to learn that the Commissioner of Immigration approved our application for a suspension of deportation as well as the applications of our three minor children, Kenichi, Keiji and Mitsuko. We wish to thank you for your help and kindness.

We ardently pray that the Congress of the United States will also approve this matter.

Again we THANK YOU.

Very truly yours,

Yoshiharu Oyakawa
Yoshiharu Oyakawa, husband.

Oto Oyakawa
Oto Oyakawa, wife.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

COPY FOR ATTORNEY
OR REPRESENTATIVE

Files: A-5977611 - Los Angeles (1600-44260)
A-6153199 - Los Angeles (1600-44261)
A-6153196 - Los Angeles (1600-44261)
A-6153197 - Los Angeles (1600-44261)
A-6153198 - Los Angeles (1600-44261)

(No Appeal)

MAY 8 - 1952

In re: YOSHIHARU OYAKAWA; OTO OYAKAWA; KENICHI AUGUSTO OYAKAWA;
KEIJI LOUIS OYAKAWA and MITSUKO YOLANDA OYAKAWA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Wayne M. Collins, Esquire ✓
1701 Mills Tower
San Francisco, California
(and)
Y.R. Hiroaka, Esquire ✓
1435 Fresno Street
Fresno, California

CHARGES:

Warrants: Act of 1924 - No immigration visas (All aliens)
Act of 1918 - No passports (All aliens)

Lodged: None (All aliens)

APPLICATIONS: Suspension of deportation - Seven years' residence (Father and
three children)
Suspension of deportation - Economic detriment (Mother)

DETENTION STATUS: Paroled (Adult aliens)
Released to custody of parents (Minor aliens)

DISCUSSION AS TO DEPORTATION: These cases relate to a father, mother and three minor children. The adult male alien, age 44, is a native and citizen of Japan, of the Japanese race. He last entered the United States at San Francisco, California on June 15, 1943, at which time he was being brought from Peru to the United States for internment purposes for the duration of the war. Despite the fact that his entry was one of

compulsion due to the emergency, he was not in possession of a valid immigration visa or passport or other document in lieu thereof showing his origin and identity and is now amenable to deportation under the Immigration Act of 1924 and the Act of May 22, 1918.

The adult female alien, native and citizen of Japan, of the Japanese race, age 37, and her three minor children, natives and citizens of Peru, ages 14, 11, and nine years respectively, entered the United States voluntarily from Peru on March 21, 1944, to join the adult male alien named above. At the time of entry they were not in possession of valid immigration visas or passports or other documents in lieu thereof showing their origin or identity and are now amenable to deportation under the Immigration Act of 1924 and the Act of May 22, 1918.

Since these cases relate to World War II Internees, it will be necessary to briefly discuss their eligibility for suspension of deportation. In cases of this type, it is the general policy because of human relationships and emotions to grant suspension of deportation where the alien has a wife who is either a legally resident alien or a citizen of the United States and/or a citizen minor child, if such alien meets the requirements of the statutes and regulations. In the case under consideration, there is a minor native-born citizen child and the individual respondents meet the requirements of the statutes and regulations applicable.

Inasmuch as all of the aliens possess the statutory requirements for suspension of deportation, and there is a minor native-born citizen child to be considered, it is believed that suspension of deportation should be granted in all cases.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The adult male alien and three minor aliens have applied for suspension of deportation based on seven years continuous residence in the United States, under Section 19(c)(2)(b) of the Immigration Act of 1917. The adult female alien has applied for suspension of deportation on the ground that her deportation would result in a serious economic detriment to her minor native-born citizen daughter, under Section 19(c)(2) of the Immigration Act of 1917, as amended. It is also noted from the evidence that the adult female alien is eligible for suspension of deportation under the seven years residence requirement of the Act.

In order to condense this decision as much as possible, the evidence covering the seven years residence requirement in the adult male alien and three minor aliens cases will be consolidated.

The testimony of the minor aliens' parents under oath, plus the evidence presented in connection with their Government forms and the contents of the Immigration and Naturalization Files, reflect that the adult male alien and three minor aliens have resided continuously in the United States for more than seven years and were so residing on July 1, 1948. The records indicate that the aliens have resided continuously in the United States in the Internment Camp at Crystal City, Texas from date of entry up to and including September 19, 1947, at which time they moved to Los Angeles, California where they have resided to date. This period of time is substantiated by the Service records and affidavits of witnesses showing conclusively that the aliens have been persons of good moral character for the required statutory period. An independent character investigation substantiates their continued residence from 1947 to present time. The evidence conclusively establishes that they have met the residence requirements for suspension of deportation under Section 19(c)(2)(b) of the Immigration Act of 1917.

The adult female respondent is employed as a chicken dresser in a poultry market and earns approximately \$43.00 per week. Her husband, also subject of instant case, is employed as a janitor in a nursery, and earns \$50.00 a week. Their joint assets consist of \$600.00 in a savings account, \$500.00 worth of furniture, and approximately \$600.00 in personal effects. The female respondent testified that her deportation would result in a serious economic detriment to her minor native-born citizen child. This child was born in Crystal City, Texas, on January 5, 1945. It is apparent that this child's standard of living would necessarily be considerably lower in Japan, and that she would be adversely affected economically in the event of her mother's deportation. It is, therefore, established that the adult female alien has met the requirements for suspension of deportation under Section 19(c)(2) of the Immigration Act of 1917, as amended.

The respondents are of a race ineligible to citizenship, and could not adjust their immigration status by voluntarily departing from the United States for the purpose of obtaining an immigration visa.

A check of the appropriate local and federal records has failed to reveal any arrests or criminal records in these cases. Respondents have presented affidavits attesting to their good moral character during their residence in the United States. An independent character investigation conducted by this Service proved wholly favorable to the family. Inquiry disclosed that they have no connection with subversive groups. All the aliens have complied with the Alien Registration Act of 1940. They are exempt from compliance with the Selective Training and Service Act of 1940 and the Selective Service Act of 1948. The interment reports covering the entire family reflect nothing of a derogatory nature. On the record, the respondents have satisfactorily established their eligibility for suspension of deportation.

ORDER: It is ordered that the deportation of the adult male alien and three minor aliens be suspended under the provisions of Section 19(c)(2)(b) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that the deportation of the adult female alien be suspended under the provisions of Section 19(c)(2) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that if Congress approves the suspension of all the aliens' deportation, the proceedings be cancelled and the aliens, if quota immigrants, at the time of entry, and not then charged to the appropriate quota, be so charged as provided by law.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: May 19, 1952

File Number: 1600-44261BP-H

Oto Oyakawa
632 Crocker Street
Los Angeles, California

Dear Madam:

Deportation has been suspended in your case, which action will be reported to Congress pursuant to Section 19(c)(2) of the Immigration Act of February 5, 1917, as amended.

If during the session of the Congress at which your case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a Concurrent Resolution stating in substance that it favors the suspension of such deportation, you will be so notified later and will at that time be requested to submit the fee required for creation of a record of lawful entry.

The above includes your minor children, Kenichi Oyakawa, Keji Louis Oyakawa and Mitsuko Yolanda Oyakawa.

cc: Y. R. Hiraoka
1435 Fresno St.
Fresno, California

Very truly yours,

✓ cc: Wayne B. Collins
1701 Mills Tower
San Francisco, California

For the District Director

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: May 19, 1952

File Number: 5 977 611 BP-H

Yoshiharu Oyakawa
632 Crocker Street
Los Angeles, California

Dear Sir:

Deportation has been suspended in your case, which action will be reported to Congress pursuant to Section 19(c)(2) of the Immigration Act of February 5, 1917, as amended.

If during the session of the Congress at which your case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a Concurrent Resolution stating in substance that it favors the suspension of such deportation, you will be so notified later and will at that time be requested to submit the fee required for creation of a record of lawful entry.

cc: Y. R. Hiraoka
1435 Fresno St.
Fresno, California

Very truly yours,

&

✓ cc: Wayne B. Collins
1701 Mills Tower
San Francisco, California

For the District Director

May 23, 1952

Mr. & Mrs. Yoshiharu Oyakawa
632 Crocker Street
Los Angeles, California

Dear Mr. & Mrs. Oyakawa:

On May 19, 1952, the U.S. Immigration Service at Los Angeles informed me that deportation in your cases and your children's cases had been suspended and that your application for suspension of deportation would be presented to Congress at its next session. If Congress approves your suspension of deportation the immigration authorities at Los Angeles will notify you thereof by letter and request you to pay the fee required for the creation of a record of lawful entry.

Very truly yours,

Form 16-164
1-10-45

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: August 21, 1953

File Number: A5 977 611 (IB)

OR #: 26-4

Mr. Yoshiharu Oyakawa
Rt. 2 Box 3031
Santa Maria, California

Dear Sir:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

Very truly yours,

For the District Director

✓ PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

CC: Wayne M. Collins, 1701 Mills Tower, San Francisco, California
CC: Y.R. Hiroaka, 1435 Fresno Street, Fresno, California

file

September 2, 1953

Mr. Yoshiharu Oyakawa
Rt. 2 Box 3031
Santa Maria, California

Dear Mr. Oyakawa:

Congress, in addition to the Attorney General, has approved your application for suspension of deportation.

In consequence, you should submit so soon as possible to the U.S. Immigration & Naturalization Service at 458 South Spring Street, Los Angeles, California, the sum of \$18.00 to establish a record for lawful entry. Thereupon you will obtain the status of a permanent resident of the United States.

I am delighted that your deportation has been prevented, that you now are entitled to the status of a legal resident and that, in due course, you will become eligible for naturalization in the United States.

Very truly yours,

Form 16-164
1-10-45

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: September 1, 1953

File Number: A-5977611 (IB)

CR #: 26-4

Mitsuko Oyakawa,
c/o Mrs. Oto Oyakawa,
Rt. 2, Box 3031,
Santa Maria, California.

Dear Madam:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

Very truly yours,

✓ CC: Wayne M. Collins, Attorney,
1701 Mills Tower,
San Francisco, California.

CC: Y. R. Hiroaka, Attorney,
1435 Fresno Street,
Fresno, California.

For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

Form 16-164
1-10-45

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: September 1, 1953

File Number: A-5977611 (IB)

CR #: 26-4

Kenichi Oyakawa,
c/o Mrs. Oto Oyakawa,
Rt. 2, Box 3031,
Santa Maria, California.

Dear Sir:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

Very truly yours,

✓ CC: Wayne M. Collins, Attorney,
1701 Mills Tower,
San Francisco, California.

CC: Y. R. Hiroaka, Attorney,
1435 Fresno Street,
Fresno, California.

For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

Form 16-164
1-10-45

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date:

September 1, 1953

File Number:

A-5977611 (IB)

CR #:

26-4

Xeiji Oyakawa,
c/o Mrs. Oto Oyakawa,
Rt. 2, Box 3031,
Santa Maria, California.

Dear Sir:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

Very truly yours,

✓ CC: Wayne M. Collins, Attorney,
1701 Mills Tower,
San Francisco, California.

CC: Y. R. Hiroaka, Attorney,
1435 Fresno Street,
Fresno, California.

For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

Form 16-164
1-10-45

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
458 South Spring Street
Los Angeles 13, California

Date: September 1, 1953

File Number: A-5977611 (IB)

OR #: 26-4

Mrs. Oto Oyakawa,
Rt. 2, Box 3031,
Santa Maria, California.

Dear Madam:

This is to inform you that a Concurrent Resolution has been passed by Congress upon the Order approved by the Attorney General, suspending deportation in your case.

A record of your lawful entry for permanent residence may therefore be created by this Service, conditioned upon payment of the required \$18.00 fee. The fee should be submitted by you to this office at the address shown above, in the form of a U. S. Postal Money Order payable to the Commissioner of Immigration and Naturalization, Los Angeles, California.

As it is to your interest that your case be concluded without unnecessary delay, you should submit the fee to this office within ten days of this notification. If for any reason you are unable to submit the fee within the time specified, please so inform this office immediately, giving the reasons therefor.

✓ CC: Wayne M. Collins, Attorney,
1701 Mills Tower,
San Francisco, California.

CC: Y. R. Hiraoka, Attorney,
1435 Fresno Street,
Fresno, California.

Very truly yours,

For the District Director

PLEASE RETURN THIS NOTICE WITH YOUR REMITTANCE

September 3, 1953

Mrs. Oto Oyakawa
Mr. Keiji Oyakawa
Mr. Kenichi Oyakawa
Miss Mitsuko Oyakawa
Rt. 2 Box 3031
Santa Maria, California

Dear Mrs. Oyakawa and children:

Congress, in addition to the Attorney General has approved your applications for suspension of deportation.

In consequence, you and your children should submit so soon as possible a fee of \$18.00 each to the U.S. Immigration and Naturalization Service, 458 South Spring Street, Los Angeles 13, California, to establish a record for lawful entry. Thereupon you will each obtain the status of a permanent resident of the United States.

I am delighted that your deportations have been prevented, that you and your children now are entitled to the status of legal residents and that, in due course, you will become eligible for naturalization in the United States.

Very truly yours,